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DE RUEHPF #0547/01 2161133

ZNR UUUUU ZZH
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FM AMEMBASSY PHNOM PENH
TO RUEHC/SECSTATE WASHDC PRIORITY 1011
INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 04 PHNOM PENH 000547

SENSITIVE
SIPDIS

DEPARTMENT FOR EAP/MLS, EAP/RSP, G/TIP, DRL
USAID FOR ASIA BUREAU

E.O. 12958: N/A

TAGS: PHUM PREL KWMN KTIP SOCI CB
SUBJECT: CAMBODIA: 2009 2ND QUARTER REPORT ON TRAFFICKING IN
PERSONS

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) Summary: During the second quarter of 2009, Cambodian police arrested seven persons on human trafficking charges. Police also arrested six persons on procurement of prostitution charges in connection with two cases involving two victims who were minors. Police reported arresting four foreign pedophiles and rescuing six victims in connection with those cases. Police arrested one Cambodian national on purchase of child prostitution charges and rescued one male victim under age 18. During the same period, the Phnom Penh Municipal Court convicted one foreign pedophile and one Cambodian national. Police rescued 29 victims of trafficking and reported that they were returned to their families or were referred to NGO victim shelters.

¶2. (SBU) During the second quarter, the Royal Government of Cambodia decided to issue a Sub-Decree to formalize the merger between its National Task Force and High-Level Working Group on Combating Trafficking in Persons. The Sub-Decree is currently being drafted by Cabinet staff of Deputy Prime Minister and Minister of Interior Sar Kheng. After DPM approval, it must be approved by the Council of Ministers, and then by Prime Minister Hun Sen. Officials expect to complete the process within the next two months. The National Minimum Standards for Victim Assistance are being finalized by a Technical Team at the Ministry of Social Affairs, and will be issued as a regulation at the Ministry level (prakas). Minister of Social Affairs Ith Sam Heng is expected to sign the Standards by the end of August. Finally, a draft of the Explanatory Notes on the 2008 anti-TIP law is complete and under review by the Ministry of Justice (MOJ). The MOJ wants to hold a stakeholder meeting to discuss some points for clarification. Following the MOJ approval process, the Notes will require approval by the Council of Ministers and Prime Minister before being issued as an Annex to the 2008 Law.
End Summary.

Improving Implementation of the New Law

¶3. (SBU) In April, the Anti-Human Trafficking and Juvenile Protection Department of the National Police(AHTJP) informed post of a February 23 letter from the Ministry of Justice (MOJ) to all provincial and municipal courts clarifying Article 42, "Sexual Intercourse with a Minor under Fifteen Years." The letter explained that "intercourse" includes any form of penetration, including oral sex and sodomy. (COMMENT: The clarification is important because, under Cambodian cultural definitions, oral sex and sodomy are not considered intercourse. Perpetrators who committed those acts were formerly charged under the lesser "Indecent Acts" of Article 43, which is not consistent with international standards and not counted for TIP statistical purposes. END COMMENT.)

¶4. (SBU) On April 2, the MOJ issued a letter to all provincial and municipal courts requesting standardization of statistics reporting. The letter included a sample statistical table used by the Phnom Penh Municipal Court and provided detailed instructions on completing the table. The MOJ informed post that the primary

purpose of the letter was to draw high attention from the provincial and municipal courts to the importance of compiling the statistics and reporting them to the MOJ in a timely fashion.

¶15. (SBU) On May 18, the MOJ issued a letter to all provincial and municipal courts instructing officials to increase prosecutions of TIP cases. The letter ordered the courts to report the number of TIP cases in process, instructed the courts to investigate and prosecute more TIP cases, and requested courts to open the maximum number of TIP cases they had the capacity to handle.

Police Activity - Human Trafficking Arrests

¶16. (SBU) On April 2, police from the AHTJP arrested 31-year-old Keat Hav, female, on charges of human trafficking, based on an arrest warrant from the Phnom Penh Municipal Court (PPMC). Police reported that the perpetrator was sent to court and is currently in pre-trial detention.

¶17. (SBU) On April 29, Siem Reap provincial police arrested 24-year-old Ouch Noeun, female, for "Unlawful Removal with Purpose," of one 17-year-old female victim from Preah Sihanouk province to Siem Reap province. The perpetrator allegedly persuaded the victim to come to Siem Reap, and then sold her to a karaoke parlor. Police reported that the perpetrator is currently in pre-trial detention. The victim was sent to Cambodian Women's Crisis Center (CWCC) for victim assistance.

¶18. (SBU) On May 6, Koh Kong provincial police arrested 46-year-old Kun Phally, male and 27-year-old Horm Mao, male, for "Unlawful Removal with Purpose," of 11 victims from Kampong Thom to Koh Kong

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province. Out of the 11 victims, there was one underage victim aged ¶16. Police reported that the perpetrators wanted to bring the victims to Thailand to work on a fishing boat. After the rescue, police reported that the victims were sent to the provincial MOSAVY office, which referred the victims to ADHOC for assistance. The perpetrators are currently in pre-trial detention.

¶19. (SBU) On May 7, Siem Reap provincial police arrested 41-year-old Khech Reth, female, for "Unlawful Removal with Purpose," of two male victims and one female victim aged between 21 and 25. Police reported that the provincial judge did not detain the perpetrator because she was pregnant nine months pregnant and due to deliver shortly. Police reported that the victims returned to their families.

¶10. (SBU) On May 14, Kampong Chhnang provincial police arrested 47-year-old Suth Yath, female, for unlawful removal for cross-border transfer of nine victims aged between 12 and 16 years. Police reported that the perpetrator is an agent of Human Resources Development Co. Ltd., and the perpetrator recruited the victims from Kampong Chhnang to work in Malaysia as servants. After the rescue, the victims returned to their families and the perpetrator is currently in pre-trial detention.

¶11. (SBU) On May 22, Kampong Cham provincial police arrested 29-year-old Ith Amy, female, for unlawful removal for cross-border transfer of five male victims from Kampong Cham. Police reported the perpetrator intended the victims to work on a fishing boat in Thailand. After the rescue operation, police reported that the victims returned to their families and the perpetrator is currently in pre-trial detention.

Police Activity - Procurement of Prostitution Arrests

¶12. (SBU) On April 6, police from AHTJP arrested 62-year-old Rous Kech, male, 28-year-old Khun Makara, male, and 32-year-old Im Sothearith, male, for operating a brothel. Police rescued 10 victims and reported one underage victim, aged 16. Police reported that the perpetrator is currently in pre-trial detention and nine of the victims returned to their families while the underage victim was sent to International Justice Mission (IJM) for victim assistance.

¶13. (SBU) On May 7, Banteay Meanchey provincial police arrested 28-year-old Chang Ngoch Nga, female, 62-year-old Young Thy Hvay, female and 25-year-old Moung Chan Daravuth, male, for operating a brothel. Police rescued six victims and reported that there was one underage victim, a 13-year-old female. All of the rescued victims were sent to IJM for victim assistance and the perpetrators are currently in pre-trial detention.

Court Activity

14 (SBU) On May 28, Phnom Penh Municipal Court convicted 23-year-old Khut Saroeun, male, in absentia under Article 11 "Unlawful Removal for Cross-border Transfer," for the transportation of a 19-year-old female victim to sell in Phnom Penh. The court sentenced the perpetrator to seven years in prison in absentia and issued an arrest warrant for the judicial police to arrest the perpetrator.

¶15. (SBU) During the second quarter, the PPMC reported the March 25 conviction of 59-year-old Sar Kirivorn, male, and 33-year-old Pov Phoeun, male, under Article 27 "Aggravated Procurement of Prostitution" of a 17-year-old female victim. The court sentenced Sar Kirivorn to seven years in prison and Pov Phoeun to eight years in prison.

Investigation and Prosecution of Child Sex Tourism

¶16. (SBU) The PPMC reported the February 25 conviction of 33-year-old Canadian national Neil Christopher Paul in absentia under Article 34 "Purchase of Child Prostitution" and sentenced the perpetrator to 10 years in prison. The court ordered the perpetrator to pay USD 30,000 to the plaintiff.

¶17. (SBU) On April 7, the PPMC convicted 60-year-old American national Richard David Mitchell for the purchase of child prostitution. The victim was a 13-year-old female. The court changed the charge from Article 43 "Indecent Act against a Minor under Fifteen Years" to Article 34 "Purchase of Child Prostitution" and Article 48 "Additional Penalties". The court sentenced Mitchell to serve one year in prison, plus five years probation in lieu of an additional two years in prison. The court ordered Mitchell's deportation following completion of the sentence, and ordered him to pay USD 2,000 to the victim through her representative, World Hope

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International (WHI).

¶18. (SBU) On April 11, Phnom Penh police worked with Action Pour Les Enfants (APLE) to secure the arrest of 61-year-old French national Jacques Bernard Rene Collinet at International Guesthouse and rescued one 15-year-old female victim. Police reported that the perpetrator was charged with Article 34 "Purchase of Child Prostitution" and that the perpetrator is currently in pre-trial detention. Police reported that the victim was sent to WHI for victim assistance.

¶19. (SBU) On April 11, Phnom Penh police worked with APLE to secure the arrest of 62-year-old Greek national Kampolio Chistos and rescued one 15-year-old female victim. Police reported that the perpetrator was charged with Article 34 "Purchase of Child Prostitution" and that the perpetrator is currently in detention awaiting trial. Police reported that the victim was sent to WHI for victim assistance.

¶20. (SBU) On April 17, Phnom Penh police worked with APLE to secure the arrest of 47-year-old Phong Thanakorn, male, for purchasing child prostitution. Police reported that there was one male victim aged 15. Police reported that the perpetrator is currently in pre-trial detention and the victim was returned to his family.

¶21. (SBU) On May 6, Phnom Penh police worked with APLE to secure the arrest of 62-year-old Swedish national Johan Brahim Escori for sexually abusing one nine-year-old male victim. Police reported

that the perpetrator was charged with Article 43 "Indecent Acts against a Minor under Fifteen Years." Police reported that the perpetrator is currently in pre-trial detention and that the victim was sent to the Phnom Penh MOSAVY office for victim assistance.

¶22. (SBU) On May 18, Phnom Penh police worked with APLE to secure the arrest of 60-year-old American national Mark Stephan Freitag, male, and rescued three underage male victims aged between 14 and 15 years of age. Police reported that the perpetrator was charged with Article 34 "Purchase of Child Prostitution" and that the perpetrator is currently in pre-trial detention. Police reported that the victims were sent to the Phnom Penh MOSAVY office.

Other Activity

¶23. (SBU) During the second quarter, IJM carried out four successful operations separately in Poipet, Banteay Meanchey, Preah Sihanouk and Siem Reap province and rescued 12 victims. Police confirmed that they arrested 10 perpetrators through the various operations.

¶24. (SBU) APLE reported that on May 5, Preah Sihanouk provincial court convicted 43-year-old Roger Michel Blanchard, a French male, for committing sexual acts with an 11-year-old male victim. The provincial court sentenced Blanchard to one year in prison, with three months suspended, under Article 43, "Indecent Acts against a Minor under Fifteen Years" and ordered Blanchard to pay USD 50 in victim compensation. At the time of trial, Blanchard had served 9 months of pre-trial detention; the court's suspension of 3 months of the prison term meant Blanchard would have exited prison the following day. The general prosecutor at the Appeals Court immediately appealed the case, due to concerns over the light sentence and compensation. The perpetrator was not released and remains in detention awaiting the appeal trial. The trial date at the Appeals Court is not yet set.

¶25. (SBU) On May 23, local NGO Cambodian Human Rights and Development Association (ADHOC) in Steung Treng province received a complaint from a 14-year-old female victim's family against 48-year-old perpetrator Chan Sophal, female, for trafficking the victim from Steung Treng province to Phnom Penh. ADHOC reported that perpetrator, who is the victim's aunt, persuaded the victim's mother to send the victim to Phnom Penh for a better job. The victim's mother subsequently learned that the perpetrator sold the victim instead. The victim's mother filed a complaint against the perpetrator to provincial police. ADHOC reported that the police are searching for the perpetrator and the victim. Their whereabouts are unknown.

¶26. (SBU) Cambodian Defenders Project (CDP) received one new case related to "procurement of prostitution," in which one rescued prostitute was under age 18. CDP provided legal support and lawyers for the victims.

¶27. (SBU) World Hope International (WHI) received 15 rescued victims of sex trafficking, between the ages of 13 and 21 years old. Of the 15 victims, seven are Cambodian, seven Vietnamese, and one Khmer-Vietnamese. WHI reported that out of the 15 trafficked victims, four of them were abused by foreign pedophiles.

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¶28. (SBU) AFESIP reported that the organization filed four complaints to police on behalf of victims. AFESIP also provided assistance to 11 rescued victims from two raid operations carried out by the police from the AHTJP.

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